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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

COLTON BEEMER, individually	)	
and on behalf of his minor	)	
daughter, DANIELLA BEEMER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
UNITED STATES OF AMERICA	)	
	)	
Defendant.	)	Case No. 3:20-cv-_____
_____	)	

**COMPLAINT**

COMES NOW Plaintiff, COLTON BEEMER, individually and on behalf of his minor daughter, DANIELLA BEEMER, by and through his counsel, CROWSON LAW GROUP, and files suit against the UNITED STATES OF AMERICA as Defendant for tortfeasors United States Postal Service and “Jane

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Doe,” its unidentified female employee (Defendants hereinafter “USA”) and alleges as follows:

1. Plaintiff, COLTON BEEMER, individually and on behalf of his minor daughter, DANIELLA BEEMER, for all times mentioned herein, was and is a resident of the Matanuska-Susitna Borough, Town of Wasilla, State of Alaska.
2. Plaintiff is informed and believes and therefore alleges that tortfeasor “Jane Doe” was and is a resident of the Matanuska-Susitna Borough, Town of Palmer, State of Alaska.
3. Plaintiff is informed and believes and therefore alleges that tortfeasor United States Postal Service located at 500 S. Cobb Street, Palmer, Alaska is a government entity, organized and authorized to do business under the laws of the United States of America.
4. Plaintiff is informed and believes and therefore alleges that tortfeasor “Jane Doe” was the agent and employee of tortfeasor United States Postal Service located at 500 S. Cobb Street, Palmer, Alaska, and in doing the things herein alleged, was acting within the purpose and scope of this agency and employment.
5. Service on USA will be made through the United States Attorneys Office located at 222 W. 7<sup>th</sup> Avenue #9, Anchorage, Alaska 99513.

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6. That on or about March 21, 2019 at approximately 10:45 a.m. Plaintiff and his wife arrived at the United States Postal Service with their then 2 years old minor daughter, Daniella, for a passport photo shoot.
7. That “Jane Doe” negligently presented an unsecured swiveling office chair for Plaintiff’s daughter, Daniella, to sit in for the photo shoot.
8. That the office chair did not have any safety straps or other types of child safety restraints to ensure the safety of the minor child.
9. That Plaintiff was instructed to place Daniella on the chair and hold her “at arms length” for the photo.
10. That after returning back to the lobby of the United States Postal Service, “Jane Doe” determined the photo was not centered and requested that Plaintiff’s spouse return to the back with Daniella for another photo shoot.
11. That “Jane Doe” told Plaintiff’s wife to place Daniella on the same unsecured swiveling office chair that had no child safety restraints and then step away from Daniella so she could obtain a better photograph.
12. That Daniella violently fell off of the swiveling office chair onto the hard floor of the United States Postal Service.
13. That the impact was so forceful, ***both of Daniella’s forearms were immediately broken.***

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14. As a direct and proximate result of negligence of USA, Plaintiff Daniella suffered severe and permanent physical injury.
15. As a direct and proximate result of USA's actions in failing to ensure the safety of minor children, Plaintiff Daniella suffered mental injury and severe emotional distress.
16. As a direct and proximate result of USA's negligent actions, Plaintiff incurred medical bills and expenses; and was caused to endure pain and suffering for which Plaintiff, will be required to expend and become liable for, expenses relating to future medical care and services.
17. USA had a duty to ensure that its premises were managed and maintained in a way to ensure the safety of its patrons, including minor children.
18. USA had a duty to hire a employees who would manage and maintain the property in such a manner as to ensure the safety of its patrons, including, but not limited to, ensuring the safety of small children presenting for passport photo shoots.
19. That on the occasion in question USA was negligent in the following particulars, among others, to-wit:
  - a. Failure to hire competent employees;
  - b. Failure to properly train its employees;
  - c. Failure to maintain the safety of its patrons;

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- d. Failure to have chairs or high chairs with proper child safety restraints;
- e. Negligently ordering the minor child to be placed unattended in an elevated seated position;
- f. Negligent operation of its property;
- g. Reckless management of its employees; and
- h. Was otherwise careless and negligent in the operation of its premises.

20. That the incident described herein was solely due to the above described actions of USA without any comparative negligence or recklessness by Plaintiff.

21. As a direct and proximate result of the incident described above, Plaintiff Daniella, was caused to sustain severe and permanent injury; caused to incur medical bills and expenses; and was caused to endure pain and suffering. Furthermore, Plaintiff Daniella, was precluded from enjoying her usual avocations.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff COLTON BEEMER individually and on behalf of his minor daughter, DANIELLA BEEMER, prays judgment against the UNITED STATES OF AMERICA, as follows:

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1. For general damages including, but not limited to, pain and suffering and mental anguish both in the past and in the future.
2. For all past and future medical and incidental expenses according to proof.
3. For all lost wages past and future according to proof.
4. For costs of suit herein incurred.
5. That this case be tried by jury.
6. For any and all other damages and relief to which Plaintiff, is entitled under the laws of the State of Alaska.

Respectfully submitted on this the 23rd day of June 2020.

CROWSON LAW GROUP  
*Attorney for Plaintiff*

By: /s/ Mark Rayburn  
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